

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAULETTO ROGERS,

Plaintiff,

vs.

Case No. 06-CV-11114
HON. GEORGE CARAM STEEH

WINSTON HOT TUB MOTEL,

Defendant.

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ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff Pauletto Rogers, proceeding pro se, has filed suit against the Winston Hot Tub Motel. Based upon the information in the Application to Proceed in Forma Pauperis, the court previously granted plaintiff in forma pauperis status pursuant to 28 U.S.C. § 1915.

The court then issued two separate orders to show cause why plaintiff's complaint should not be dismissed for failure to state a claim upon which relief can be granted. Plaintiff's complaint is based upon his allegation that he was a tenant of the defendant's property, and he was discriminated against in violation of the Fair Housing Act, 42 U.S.C. § 3602, and federal law prohibiting discrimination by a place of public accommodation, 42 U.S.C. § 2000a. In response to the court's orders to show cause, plaintiff has alleged that he was a resident of defendant, and not a transient guest. However, plaintiff has failed to allege with sufficient detail what defendant did to violate the law. For example, stating that a person acting on behalf of defendant was rude and prejudiced when plaintiff asked why there was no heat or hot water is not sufficient to state a cause of action.

Plaintiff does not allege sufficient facts to make out any legally cognizable action over which this court might have jurisdiction. The court, therefore, finds that plaintiff's claims are frivolous because they lack an arguable basis in law or fact. It is hereby ORDERED that plaintiff's complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). This dismissal is without prejudice, which means that plaintiff is not precluded from refiling his complaint if he is able to state a valid cause of action.

Based on the preceding order, this court certifies that any appeal from this decision would be frivolous, not in good faith and, therefore, pursuant to 28 U.S.C. § 1915(a)(3), may not be taken in forma pauperis.

So ordered.

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: April 25, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on April 25, 2006, by electronic and/or ordinary mail.

S/Josephine Chaffee
Secretary/Deputy Clerk